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In re Appln. of MONTAGNINO, et al.
Application No. 10/008,346

REMARKS

Reconsideration of the application is respectfully requested. An Office action dated October 6, 2003 is presently pending in the application. Claims 1 and 6 were amended and Claim 5 was cancelled in this Amendment. No claims have been added; therefore, Claims 1-4 and 6-34 are pending in the application.

The Objections to the Specification

The Office action objected to the Specification's use of "BMC 300 GRANITE" and the lack of clarification of that trademark. In response, Applicants have amended the Specification at each point where BMC 300 GRANITE is used to capitalize the trademark where it appears and to accompany the trademark with generic terminology. Applicants are unaware of whether or not the mark is registered with the Patent and Trademark Office, but a brief search indicated that it was not.

The Rejections of the Claims

Claims 1-34 were rejected in the Office action under 35 U.S.C. Section 103(a) as being unpatentable over U.S. Patent No. 5,886,302 to Germantown, et al. in view of U.S. Patent No. 4,487,276 to Swersey, et al., U.S. Patent No. 6,265,675 to Hubller, et al., and Applicant's own admission of prior art. This rejection is respectfully traversed.

Claim 1 has been amended to include integrally formed receptacles on the bottom surface of the platform. As is described in detail in the Specification, the integrally formed receptacles and the platform being formed from the fiber-filled, polyester thermosetting polymer material permit a single unitary structure to be both decorative and strong enough to withstand the weights used for an ordinary bathroom scale. None of the references cited, and no prior art bathroom scales of which the undersigned is aware, include such a unitary platform and receptacle design, and further more do not disclose such a design formed from a fiber-filled, polyester thermosetting polymer material. For at least these reasons, Applicants submit that the rejection of Claim 1 should be withdrawn.

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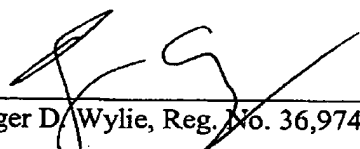
For the sake of clarity, the independent claim of the application is discussed in this Amendment. Applicants submit that the independent claim is allowable, and therefore the dependent claims are allowable at least because they are dependent upon an allowed claim. Nevertheless, Applicants submit that the dependent claims further define subject matter not shown or made obvious by the prior art.

CONCLUSION

In view of the foregoing amendments and remarks, it is respectfully submitted that Claims 1-4 and 6-34 define patentable subject matter, and that the application is in good and proper condition for allowance. Such action is respectfully solicited.

If the foregoing does not result in a Notice of Allowance in the application, Applicants earnestly solicit the Examiner to call the undersigned at 206-521-5984.

Respectfully submitted,



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